

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

RICKY WILSON,

PLAINTIFF

V.

NO. 1:05CV135-P-D

JOYCE RAYFORD,

DEFENDANT

OPINION

This matter is before the court, *sua sponte*, for consideration of dismissal. Plaintiff, who is proceeding *pro se*, states that he bought an automobile from the defendant. He alleges that she has now told him that she had no title to the car and that she told him this before he paid her for it. He contends that she told him that she did in fact have title, and that she would transfer title to the plaintiff.

After carefully considering the contents of the *pro se* complaint and giving it the liberal construction required by *Haines v. Kerner*, 404 U.S. 519 (1972), this court has come to the following conclusion.

Federal courts are courts of limited jurisdiction. Since both parties are residents of Mississippi, there must be a substantial federal question in order for jurisdiction to exist. *See* 28 U.S.C. §§ 1331 and 1332. The burden is on the party asserting federal jurisdiction to show that a substantial federal question exists. As stated in 28 U.S.C. § 1331 "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Plaintiff's claims do not rise to the level of a constitutional violation; therefore, this court has no jurisdiction to entertain his complaint.

For the above reasons, the case must be dismissed. A final judgment in accordance with this opinion will be entered.

THIS the 6th day of July, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE